

Exhibit “1”

ADP TotalSource
 Don't just get the job. Get the job done.

Counseling Record

Employee Name: Ava Garcia

Date: 4/23/15

Position: Patient Care Coordinator Department:

Works for Employer: Company Code:

Paygroup:

Employee Status: ☒ Full Time ☐ Part Time

Purpose: To provide a formal opportunity for a supervisor to help an employee understand where improved performance is expected, and to provide a written record of each counseling session.

- ☐ Counseling Session
- ☐ Verbal Warning
- ☒ Written Warning
- ☒ Final Written Warning
- ☐ Suspension

There is no requirement that all steps in the discipline progression must be followed; the company has discretion to decide on the penalty depending on the nature of the offense.

PROBLEM AREA (Note below specific problems, issues, occurrences, dates, times, etc.):

- ☐ Disregard for Supervisor/Co-Worker/Client/Customer
- ☐ Absenteeism
- ☐ Tardiness
- ☐ Failure to do a job (note below specific problems)
- ☐ Gross Misconduct (e.g., assault, embezzlement, destruction of company property, note below specific problems)
- ☐ Failure to Comply with company policy and/or procedure (note below specific problems)
- ☒ Other (note below specific problems): Disrespect toward Manager

PROBLEM DEFINITION: List below specific reason(s) why this person is being counseled

Employee disrespected the manager by arrogantly airing a complaint in front of everyone else.

IMPROVEMENT REQUIRED: List below specific actions the employee must take to correct the situation or behavior.

Improve timing and tone of voice when airing a complaint and do it privately with the manager.

SUGGESTED MEANS OF IMPROVEMENT: List below specific goals, objectives and measurement standards that you and the employee have agreed to, and in what time frame.

Please ask to speak to Frances and/or Daniel privately if there is cause for complaint.

Exhibit “2”

Hyderally & Associates, P.C.
33 PLYMOUTH STREET, SUITE 202
MONTCLAIR, NEW JERSEY 07042
TELEPHONE (973) 509-8500
FACSIMILE (973) 509-8501
Attorneys for Plaintiff: Ana Garcia

ANA GARCIA,

PLAINTIFF,

VS.

COUNTY DENTAL SERVICES,
FRANCO PERLA, JOHN DOES 1-10,
AND XYZ CORP. 1-10,

DEFENDANTS.

UNITED STATES DISTRICT COURT OF
NEW YORK

CIVIL ACTION

AFFIDAVIT OF BRITTANY DIGGS

I, Brittany Diggs, being of full age hereby affirm and certify as follows:

1. I am a witness in this matter and such, am familiar with the facts contained herein. I submit this Affidavit, drafted by plaintiff's attorney, Mr. Hyderally.
2. I went to Mr. Hyderally's office of my own free will and provided this statement voluntarily.
3. I have been promised nothing for providing this affidavit, and I am getting nothing for providing this affidavit.
4. I have been given an opportunity to correct this affidavit and ensure its truthfulness.
5. My name is Brittany Diggs. My phone number is (845) 741-5226. My email is ms.diggs1@yahoo.com. My address is 28 Fitzgerald Drive, Apt. 4B12, Middletown, NY 10940.
6. I worked at County Dental Services from June 2, 2015 until July 22, 2015.

Signature

B. Diggs

7. I filed a complaint of retaliation with Natalie in payroll/HR who worked with Melanie Wein in ADP who told me that legal is investigating the matter. However, nothing has happened with my complaint, and I have not been contacted to return to work.
8. I have been an employee in good standing with County Dental Services and was a Patient Care Coordinator at their Middletown location.
9. I remember that soon after I began working there, that Jacqueline Kelly and Maria Esteves, Patient Care Coordinators, were targeting Ana Garcia who was also a Patient Care Coordinator.
10. They specifically targeted her because she was pregnant.
11. Jacqueline and Maria made frequent negative comments about the fact that Ana was eating too much because she was pregnant. I would say that but she is pregnant, and she needs to eat because of her pregnancy.
12. I told them that it was wrong to make such comments and that it was wrong to make negative comments about Ana because of her pregnancy.
13. They would respond, "but she eats all the time" and make other negative comments about Ana and make fun of Ana.
14. Ana would eat in the back because she did not want to eat in front of the patients. Meanwhile, Jacqueline and Maria ate at their desks, and did not care about eating in front of patients.
15. I remember being called by Franco on June 11, 2015.
16. He asked me what I thought of Ana's performance.
17. I had a lot of interaction with Ana, because she was the one chosen by County Dental to train me.
18. I responded that Ana was an excellent worker who covered all her bases at work and was a hard worker.
19. Franco said that he was told that she is not at her work station and doesn't answer the phones unless he was around.

Signature

H. Bignardi

20. I told him that was untrue and that Jacqueline and Maria was constantly away from their work stations and engaged in gossip.
21. I told Franco that the girls made negative comments about Ana eating too much and made fun of Ana because of her pregnancy.
22. Franco did not say anything. I told him that the reason she ate so much was because she was pregnant and that she had to eat for the health of the baby and it was wrong to treat her badly because of her pregnancy.
23. Franco did not seem very sympathetic or caring towards Ana. He seemed to be hostile towards her because of her pregnancy in how he responded.
24. I told Franco that I felt that Ana was being targeted, and Franco said that the issue needed to be resolved.
25. But then I never saw Franco speak to Ana about what I shared with him. I never saw any investigation done into my complaint of Ana being treated badly because she was pregnant.
26. I asked Ana if Franco ever spoke to her about what I shared with him, and she said that Franco did not.
27. On June 12, 2015, I was scanning paperwork and Jacqueline placed some paperwork on the copier. I told her that I was scanning paperwork so that we did not have paper problems. She said, in a very mean way, "That is your problem."
28. Ana saw all of this happen and came up to me. I was very upset and had tears in my eyes.
29. Ana said that I needed to tell Franco, but I was too upset. So Ana went to tell Franco.
30. That same day, Franco called Maria, Jacqueline, Ana and myself into the office, and he said we are going to handle this right now and we are not going to get HR involved.
31. Ana started to discuss how she was upset that Maria and Jacqueline made negative comments about her eating too much and spending too much time in the bathroom. Ana said it was wrong that she was being targeted because of her pregnancy.
32. Jacqueline got in Ana's face and started screaming at her. Jacqueline was screaming stuff like, "You are never at your desk, you are always eating."

33. I started to say that this is wrong and started to explain the eating issue and the pregnancy treatment.
34. Jacqueline started waving her hand in my face in an aggressive manner and started yelling at me, "Who do you think you are? You are irrelevant. Why are you getting involved in this?" She was screaming and getting really threatening and very close to me.
35. I turned to Franco and asked, "Do you see this?" He just stayed quiet.
36. I asked Franco, "You are just going to let her put her hands in my face? Franco said something like, "You all need to just go into the parking lot and hash this all out." I said, "We need to go into the parking lot and do what?" I was shocked. Franco said, everyone get your stuff and go home.
37. We all then got our stuff to leave.
38. I went in to speak to Franco and told him I don't want to work in a hostile work environment. Franco said, just go home and think about it over the weekend.
39. I came in on Monday. So did Ana.
40. Ana worked the whole day and did everything that she as supposed to do.
41. In the morning of June 15, 2015, Franco told me that he was going to handle the situation.
42. Around 5pm, right before our leaving time, Franco called Ana into his office. 10-15 minutes later, I saw Ana come out really upset. She got her stuff and walked out.
43. It was the end of the work day, so I left and saw Ana in the parking lot. Ana told me that Franco fired her.
44. Franco never addressed Jacqueline being violent at work and there was no investigation into Ana being targeted because of her pregnancy.
45. On June 17, 2015, I went into Franco's office and told him that I felt the office was still a very hostile environment.
46. Franco said your view of the office is tainted because of that girl. He said that she tried to use her pregnancy as a handicap and as a crutch. He said that Ana tried to get over on me by not telling me she was pregnant when she was rehired. He said that Ana was always in the back

Signature

B. Briggs

closet eating. Franco then waved his hands and said there were a lot of issues with that girl. He said, "Who knows if she was going to come back after the baby?" Franco then asked, "So where does that leave me?"

47. Franco said that he, "needed to do this paperwork to cover my ass. I need to do paperwork in case Ana tries to go to unemployment."
48. Franco said that, "You don't have anything to worry about it, but I need paperwork, that I gave Ana a warning, to cover me, just in case Ana tries to file for unemployment."
49. I said but that meeting was not a warning and you never said it was a warning for anyone. Franco said yes, but I need this paperwork to cover me and I need paperwork to show that this was the final straw for Ana.
50. I told him but it was just a meeting. He never said anything about anyone being disciplined.
51. He just kept saying he needed the paperwork to cover his ass.
52. I found it really unprofessional what he was saying.
53. Franco said it is better off with her gone. He said, "Now I will have my team with the girls up there." I told him that I didn't safe and thought it was wrong what they were doing.

I hereby affirm that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. This affidavit is made up of SIX pages. Everything that is in this affidavit is true and correct to the best of my knowledge. I am under no coercion to sign this document. I am signing this document completely voluntarily. I am providing the information that is in this document. I voluntarily went to Mr. Hyderally's office to provide this document. I am receiving nothing for providing this document. No one has threatened me to go to Mr. Hyderally's office or to sign this document. It is the complete truth.

DATED: August 17, 2015

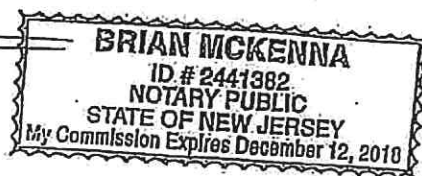
B. Diggs
BY: Brittany Diggs

Signature

B. Diggs

Sworn to before me on the

17th day of August 2015



T:\Law Offices of Ty Hyderally\Garcia Ana\Pleadings\081715.AFF Brittany Diggs.doc

Signature

B. Diggs

Exhibit “3”



EXIT INTERVIEW

Prior to the dismissal of an employee, or him/her voluntarily leaving, please review the subsequent information and answer the following questions.

Employee Name: ANA GARCIA

Please circle one: Terminated / Voluntarily quitting

Date of Termination: 06/15/2015

Why is the employee being terminated or voluntarily quitting?

FOLLOWING ANOTHER EPISODE IN WHICH ANA DISPLAYED A BAD ATTITUDE AND ARROGANCE, THIS TIME TOWARDS HER COLLEAGUES, SHE IS BEING TERMINATED. AS PER THE LAST FINAL WRITTEN WARNING WE WILL NOT TOLERATE SUCH BEHAVIOR.

Make sure that the following items, which are County Dental's property, are being returned prior to end of employment. Make sure the paperwork is completed.

All Employees

- ☒ Office Keys
- ☒ Locker Keys
- ☒ Employee Handbook
- ☒ Confidential materials

Doctor/Hygienist:

- ☒ Emergency cell phone
- ☒ Instruments
- ☒ Laptop

Paperwork to be completed by manager:

- ☒ Oxford, 401K, Aflac termination forms to be signed and dated with end of employment date
- ☒ Inactivate e-mail passwords, dentrix login, remote access login, drc online
- ☒ Change remote access password

Former Employee's Comments:



Director / Manager Signature

6/15/15
Date

Employee's Signature

Date